

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DARLINE LINDA STINGLEY,

Plaintiff,

v.

KILOLO KIJAKAZI,

Defendant.

Case No. 2:22-cv-01761-NJK

ORDER

[Docket No. 27]

Pending before the Court is a stipulation to award Plaintiff \$4,170 in attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"). Docket No. 27. The fee request reflects a decrease from the total amount of fees claimed based on hours expended. *See* Docket No. 27-1 at 11 (claiming total fee amount of \$4,836.35).

Although unopposed, the Court will review the reasonableness of the fee award. *See, e.g., Douzat v. Saul*, 2020 WL 3408706, at *1 (D. Nev. June 11, 2020) (collecting cases). Fees awarded under the EAJA are determined based on the lodestar approach, except that the hourly rates are capped unless the Court in its discretion determines otherwise. *See Costa v. Comm'r of Soc. Sec. Admin.*, 690 F.3d 1132, 1135 (9th Cir. 2012); *see also* 28 U.S.C. § 2412(d)(2)(A). The Court will allow the rate sought here for attorneys Kalagian and Rohlfing, particularly in light of the fees awarded to counsel in other cases. *See* Docket No. 27-1 at 5-6; *see also Maceachern v. Kijakazi*, No. 2:21-cv-01597-NJK, Docket No. 18 (D. Nev. Mar. 7, 2022); *United Steelworkers of Am. v. Phelps Dodge Corp.*, 896 F.2d 403, 407 (9th Cir. 1990).¹ Moreover, the attorney hours expended appear to be reasonable.

¹ Only generalized information is provided for the paralegal rate. *See* Docket No. 27-1 at 6. The Court is not as confident in the rates being sought for the paralegals. *Cf. Douzat*, 2020 WL 3408706, at *3-4. Nonetheless, the adjustment that would likely be made with respect to these rates does not appear to put the total amount of reasonable fees below the \$4,170 sought in this case. So, the Court will approve the amount of fees sought even though it may well be that these rates would be subject to reduction.

1 Accordingly, the stipulation for attorney's fees in the amount of \$4,170 is **GRANTED**.

2 IT IS SO ORDERED

3 Dated: May 23, 2023

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6 Nancy J. Koppe
7 United States Magistrate Judge
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